

SEE ALSO CASES 809 & 1192

<u>REAL PROPERTY</u>										
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village		Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:	
						% of Total	Amount		% of Total	Amount
<u>PERSONAL PROPERTY</u>										
Motor Vehicles			Boats and Boat Gear							
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing		45% of amount in next preceding column		
<u>NETS</u>										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing			Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price
<u>MISCELLANEOUS CHATTELS</u>										
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
							<u>INCLUDED IN CASE NO. 809</u>			
TOTAL RECOMMENDATION										

CASE NO: 96

JAPANESE PROPERTY CLAIMS COMMISSION

Kamloops, B.C.

May 10, 1948

IN THE MATTER OF THE CLAIM OF

TATSUYA OMOTO

PROCEEDINGS AT HEARING

IN THE MATTER OF THE "INQUIRIES ACT."

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR, JUDGE J.R. ARCHIBALD, SUB-COMMISSIONER)

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Kamloops, B.C.

May 10, 1948

IN THE MATTER OF THE CLAIM OF

TATSUYA OMOTO

PROCEEDINGS AT HEARING

20 APPEARANCES:

T.G. BOWEN-COLTHURST, Esq., appearing for the Dominion Government.

R.J. McMASTER, Esq., appearing for the Claimant.

J.R. COLLEY, Esq., Secretary to Kamloops Sub-Commission.

G.M.R. UPTON, Esq., Official Interpreter

G. HAMBLETON, Esq., Official Reporter.

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MR. McMASTER: Your honour, with respect to No. 111 on the list, Tatsuya Omoto, I would ask that it be given a case number. The situation here is that this claimant, together with some tento fifteen other persons, had an interest in Victor Wholesale Cleaners and Dyers. Two of the other larger shareholders in the partnership have filed claims in addition to this claimant; one is Shotaro Yamakami, who filed a claim at Moose Jaw; the other is Genkyu Iwama, who filed a claim in Toronto. I understand that the evidence of Yamakami has been heard at Moose Jaw. We have not yet had an opportunity to examine the transcript, but subject to examining the transcript of the evidence given by Yamakami, this claimant is prepared to rely on the evidence given by one of the partners rather than to have each partner come in and give evidence with respect to it.

Accordingly, I would ask, in considering this case, that the evidence of Yamakami at Moose Jaw be considered as part of the record in this case in support of the claim made by the claimant. Unless my friend takes any objection to that procedure, I don't propose to call the claimant in this case.

MR. BOWEN-COLTHURST: I have no objection to that procedure, your honour, and we will rely on the evidence that is raised in Moose Jaw as the defence to this case.

30 MR. McMASTER: There is one further thing I would like

to mention.

10 In this case, the partners in the business apparently have not been in entire agreement as to what their respective interests are, and the Custodian is holding the money which he obtained on the sale of the business pending straightening out of the respective partnership interests. The claimant's agreement to adopt the evidence given by this man in Moose Jaw does not include any agreement to adopt his evidence as to the partnership interest, and he would ask that if the partnership interests have not been straightened out at the time that any payment is made pursuant to the Commissioner's recommendation, that the monies be paid to the Custodian pending the partnership establishing their respective interests.

THE COMMISSIONER: All right.

MR. BOWEN-COLTHURST: Yes.

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(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein.

Gordon Hambleton

G. Hambleton
Official Reporter

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

J.R. Archibald

J.R. Archibald,
Sub-Commissioner

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96 MAY 10 1948

DEC - 2, 1947

Kamloops

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner, Office of the Custodian, Royal Bank Bldg., Vancouver, B.C.

ACKNOWLEDGED

11979 NOTIFIED APR 15 1948

Pursuant to the notice issued on the 26th day of September, 1947, I submit the following claim:

(1) NAME OMOTO, Tatsuya (RCMP) Reg. No. 07809

(2) Pre-Evacuation Address 138 Broadway East, Vancouver, B. C.

(3) Present Address P. O. Box 294, Kamloops, B. C.

(4) REAL ESTATE

(a) Street Address (if any) None City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.) None

(c) Type of Real Property (cross out words which do not apply):

- (i) Farm
(ii) Residence Type of business Cleaners and dyers
(iii) Business (Victor Wholesale Cleaners and Dyers
(iv) Any other type of property (describe) 2046 West. 4th Ave., Vancouver, B. C.

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) Partnership (7 members) \$3475 Capital--my shares \$600

(e) Fair market value at date of sale (estimate this to the best of your ability):

- (i) Land None \$
(ii) Buildings None--Rented \$
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) \$ 4170.00
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) \$
(v) Amount at which Custodian sold property and credited your account - \$ 896.40
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - \$ 3273.60

(5) PERSONAL PROPERTY

- (a) Place or places at which property was left by the claimant at date of evacuation Left on business premises
(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
(c) How stored or packed at time of evacuation Left as is.

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care")

Left in care of Shotaro Yamakami and subsequently taken over by Custodian.

(e) Itemized description of personal property which is the subject of the claim:

- 1. _____ Estimated Value \$ _____
- 2. _____ Estimated Value \$ _____
- 3. _____ Estimated Value \$ _____
- 4. _____ Estimated Value \$ _____
- 5. _____ Estimated Value \$ _____
- 6. _____ Estimated Value \$ _____
- 7. _____ Estimated Value \$ _____
- 8. _____ Estimated Value \$ _____
- 9. _____ Estimated Value \$ _____
- 10. _____ Estimated Value \$ _____

TOTAL CLAIM FOR PROPERTY LOSS \$ _____

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) my share of property loss in the company - - \$ 494.09

- (6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.) Kamloops
- (b) Do you require the services of an interpreter at the hearing? Yes or no Yes

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA)

Province of B.C.)

TO WIT:)

I, Shotaro Omoto of the Kamloops city in the British Columbia DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the city of Kamloops in the Prov. of B.C. this 7th day of Nov A.D. 1947.

S. Omoto
A Commissioner &c

N.B.— THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C. BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.